

**TOWN OF ROCKY HILL
PLANNING AND ZONING COMMISSION
MEETING OF MARCH 19, 2014**

CALL TO ORDER

Chairman Desai called the Wednesday, March 19, 2014, meeting to order at 6:34 p.m. in the Town Council Room, Rocky Hill Town Hall, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Dimple Desai, Chairman
 Kevin Clements, Vice Chairman
 Victor Zarrilli, Secretary
 Carmelo D'Agostino, Commissioner
 Giuseppe Aglieco, Commissioner

Alternates: Michael Casasanta

Also: Kimberley A. Ricci, Dir. Planning & Building/Asst. ZEO
 Eileen A. Knapp, Recording Secretary

Secretary Zarrilli read the legal notice.

1. PUBLIC HEARING

A. Continuation of Hearing: Special Permit/Site Plan Application/ Certificate of Approval of Location, Cumberland Farms, Inc., seeking a Certificate of Approval of Location for the sale of gasoline under Section 14-321 of the Connecticut General Statutes; and, proposing to construct a retail convenience store of approximately 4,500 square feet with a gasoline filling operation , outdoor seating area, and other associated site improvements, for property located at 741 Cromwell Avenue and 100 France (southwest corner), in a C-Commercial Zoning District. ID#, 12-130 and 12-132;

Attorney Joe Williams addressed the Commission representing Cumberland Farms. There was a question at the last meeting regarding driveway grades and the Applicant has provided a response. He said the Economic Development Commission has submitted a letter in favor of this application noting that it will improve traffic conditions by implementing recommendations of the Route 3 Corridor Study.

Next Atty. Williams addressed two e-mails that were sent to Mrs. Ricci and three current members of the Planning and Zoning Commission from former Planning and Zoning Chairman, Alan Mordhorst. Mr. Mordhorst was not only Chairman, but he also served on the Commission for the first part of this public hearing. Also, comments were not submitted to the Town, but only to a few select Commissioners, which they feel constitutes an ex parte communication. He

said they believe the submitting of these comments was inappropriate and improper and asked that these comments be disregarded.

Mrs. Ricci said she received the e-mail from Mr. Mordhorst, which was also sent to some members of the Commission. Commissioner D'Agostino sent Mrs. Ricci a letter notifying her that he received correspondence from Mr. Mordhorst and felt that this direct correspondence is inappropriate. Vice Chairman Clements also responded to Mr. Mordhorst's correspondence by asking him to cease contact with him or any other Commission members on matters that are currently pending before the Planning and Zoning Commission.

Chairman Desai said they would exclude these communications from Mr. Mordhorst from the public hearing and he apologized for any appearance of impropriety. He noted that the Commissioners who were contacted acted appropriately and in good faith. Chairman Desai said any comments from the public should be sent to staff and not directly to an individual Commissioner.

Vice Chairman Clements said he was angry and disappointed about this communication and will not take it into consideration. Mrs. Ricci noted that any communication from the public should be directed to herself, at the Planning and Building Department.

Next, Atty. Williams addressed a letter from Mr. Curtis Clemens, a Century 21 Real Estate Agent in Rocky Hill claiming that there will be a negative impact on residential property values in the area if this application is approved. Atty. Williams noted that Mr. Clemens is not a Licensed Property Appraiser, and no data to that effect has been provided to support that opinion. This property is zoned for this use and they have shown that traffic patterns in the area will improve with this development. As far as the driveway grade issue and Section 8.24.d 4 c, Atty. Williams submitted an alternate site grading plan and two memos from Steve Sopelak of the Town's Engineering Department. After the last meeting the Applicant met with Engineering and Planning Department to discuss the driveway grades. When they originally met with Staff they were given the Town's Engineering Standard, which is handed out to all developers since 1968. They followed these standards as requested by the Town when creating their grading plan. The Town Engineering Department gave their comments after the first public hearing and there were not problems with the driveway grades in that memo. After last month's meeting the Engineering Department confirmed that the driveways were designed consistently with the Town's specifications. He noted that the Commission has approved two other site plans that have similar grades not far from this site. Atty. Williams said because they want to avoid any delays with the application, they have submitted a revised plan that adheres to a strict interpretation of Section 8.24.d 4 c. He pointed out that Mr. Sopelak stated in his memo that he does not like the alternate grading plan because it depresses the sidewalk to achieve the grade in the Zoning Regulations.

Mr. Matt Leidner, Civil Engineer with Civil Design Group addressed the Commission to go over the alternative grading plan they submitted that keeps the driveway grades at 3% or less for the first 25' from the street line. The original design kept the sidewalk grade where it passes through the driveways consistent with the sidewalk grade where there is no driveway so it

doesn't dip down. This is to provide pedestrian safety and to promote storm water drainage getting into the gutter in order to drain properly. The new plan doesn't change the overall site plan very much. They adjusted some catch basin rim elevations and pipe elevations but it is basically the same plan. He said he hopes the Commission approves the original plan because it makes the most engineering sense and is consistent with the Town Standard Detail.

PUBLIC

Ms. Krista Mariner of 58 Farms Village Road addressed the Commission. She said Arburg was forced to comply with Zoning Regulations 8.24 d.4.c as far as their driveway grades. Compliance with Regulations cannot be arbitrary. Ms. Mariner read from her correspondence she submitted. The Commission is being asked to issue a certificate of approval for location of a gas station under the provisions of CGS Section 14-321. This requires the Planning and Zoning Commission to approve the suitability of the location in view of traffic and other conditions and to determine whether the proposed use would imperil the safety of the public. Ms. Mariner believes the testimony and correspondence of residents has demonstrated that to locate a gas station at this site will imperil the safety of the public.

Next, Ms. Mariner said she has concerns about the France Street site lines looking west from the site drive. She challenged the applicant's assertions that the site lines are 350'. She said the applicant used Town GIS data from their website and she doesn't think this would be admissible in court. The Town has not measured the site distances themselves and she doesn't believe the Applicant's assertion alone is sufficient. She suggested that either the staff or a third party confirm the measurements. Ms. Mariner also requested that an independent Traffic Study be done, paid for by the Applicant before the public hearing is closed and a decision is rendered. If the site lines are found to be inadequate, this could derail the entire application.

Mr. Michael Shea of 63 Winding Brook Drive addressed the Commission. He said the main reason he is opposed to this application is the traffic issues. Cars trying to turn left into the site from France Street may back up causing a hazardous situation. There is only 150' to cross over Cromwell Avenue to make a left hand turn onto West Street. He is concerned about additional traffic coming off I91 and queuing along Cromwell Avenue to access the site and cars trying to cross Route 3 to get gas from the hotel across the street. Mrs. Ricci noted that they received a letter from both Mr. & Mrs. Michael Shea.

Mr. Yanush Klin of 90 Winding Brook Drive addressed the Commission. He would like to see color rendering of the proposal. According to Section 8.2.5, the Commission should consider the ease of entrance to and exit from the development and whether it creates minimal disturbance to outside traffic flow. He is concerned about the additional traffic on France Street, which is a residential street. They don't have need for another gas station in this area. There are already gas stations, grocery stores and convenience stores in the immediate vicinity. According to Regulations, no gas station shall be erected less than 1,500 from any building for public assembly. Mr. Klin believes that the residential homes are buildings for "public assembly" and the gas station is too close. He is afraid of the odors that may come from the site. A previous

traffic study warned that additional traffic in the area will cause more problems. Mr. Klin submitted a petition signed by 720 people opposed to this application.

Mr. Spiro Brokov of 81 Inwood Drive addressed the Commission. He has seen traffic increasing on France Street since he moved here in 2003. He is concerned that approval of this application will decrease public safety in this already congested area, pose health risks to the neighboring residents from fumes and detract from already established businesses. He also has concerns about traffic turning from France Street, trying to cross over to take a left turn onto West Street. Mr. Brokov feels they can find a more suitable location for this gas station.

Mr. Tim Kennedy of Winding Brook Drive addressed the Commission. He thinks France Street is undersized for the amount of development and future development in the area and it should be widened. His main concern is for safety. He is afraid traffic may back up onto Route 3 while cars wait to take a left turn into the site from France Street.

An Unnamed Resident addressed the Commission with concerns about property values and quality of life issues. He is concerned about the tractor trailer trucks using the access on France Street and the music playing at the gas pumps 24 hours a day. The individual also was concerned about the impact this establishment would have on the traffic. He is concerned about the quality of the traffic data used by the applicant and doesn't believe it represents an accurate picture of the traffic in the area. He would like to see an independent traffic study done. The individual doesn't understand why the DOT will not comment until the Town has acted on the application.

Ms. Gail Diniski of 6 Sunset Ridge said she is concerned about the property values especially for residents on Sunset Ridge. She is worried about odors and music coming from the site. As someone who travels the road every day Mr. Diniski is worried about the sun glare as you travel west on France Street combined with cars trying to turn left into the site. Another concern is for the school busses that are in the area because the bus company is right down the street on Cromwell Avenue.

Mr. John Bedlack of 7 Murphy Drive addressed the Commission and gave a PowerPoint presentation of slides taken March 18th, showing the traffic congestion already in the area. He is concerned about the impact of building a gas station with three driveways on this intersection would have on traffic safety in the area. Mr. Bedlack also said he thought the comments made about Mr. Mordhorst were inappropriate. He showed pictures of traffic coming from France Street blocking the intersection at Cromwell Avenue. He noted this traffic exists without the Cumberland Farms there. He doesn't think cars will be able to get through the oncoming France Street traffic to make a left turn into the site. He agreed with a previous speaker who was concerned about the presence of school buses in the area. Mr. Bedlack pointed out that there is also a bus stop right next to the site driveway along Cromwell Avenue. He emphasized that the Commission has a right to deny the application based on traffic conditions and asked that this application be denied. The traffic problems will only be exacerbated if this is approved. He asked the Commission to visit the site and to request an independent traffic study.

Mr. Fakrul Islam Owner of the Valero gas station located at 674 Cromwell Avenue said he is a small business owner and approval of this application will be detrimental to his business. He is concerned about the traffic safety issues in this already congested area and asked that the Commission deny the application.

Mr. Mohammad Soyel, Owner of the 685 Cromwell Avenue, across from the proposed site, said there are already enough gas stations in the area and they don't need another one. He feels the site would be better suited to another type of commercial business.

Ms. Linda Sidoti of 23 Sunset Ridge said she agrees with the concerns that have already been expressed by members of the public. She wondered if the Town has talked to anyone from the State about these plans and the traffic patterns. She is hoping this application is denied.

Mr. Sam Casano said he lives off of France Street and he is in favor of this application or any commercial expansion on France Street. He is hoping the addition of commercial uses will slow the traffic down in the area.

Commissioner Comments/Questions

Commissioner Zarrilli said Phase II of the CRCPG study suggests widening Cromwell Avenue in this area. He wondered how this would affect the applicant's grades. Mr. Leidner said no matter which grading plan they go with, it would allow for the roadway to be widened within the existing right of way.

Vice Chairman Clements asked when the additional turn lane will be created on France Street. Mr. Mark Vertucci, Senior Transportation Engineer with Fuss & O'Neill said those improvements would be done concurrently with the development of the site as would the traffic light timing changes.

Commissioner D'Agostino asked if the parking space counts included the spaces between the aisles at the pumps. Mr. Leidner said the count includes 20 marked parking spaces plus the 12 spaces at the pumps themselves. Commissioner D'Agostino asked about the distance between the curb on the corner of France Street and the curb cut at the first entrance going south on Route 3. Mr. Leidner said that distance is about 40'. He clarified that the distance from the actual intersection to the curb cut is more than 50'. The intersection is defined as the center lines of the two streets, Cromwell Avenue and France Street.

Commissioner Zarrilli asked for an explanation of how the Traffic Engineer determined the site lines leaving the site on France Street, looking west. Mr. Vertucci said the measurements were done in the field in accordance with the DOT Highway Design Manual Criteria. They use a cone to measure at the height of a drivers eye leaving the site and using a measuring wheel they measure up France Street to a point where you can no longer see the top of the site distance cone. Their site distance exceeds the minimum requirement set by the Department of Transportation. At the request of the Town, they have cross-checked their measurements. The results have been

provided to the Commission. Mr. Vertucci said the stopping site distance for this intersection is exceeded by more than 100’.

There was a discussion of how many parking spaces would be available at the pumps. Mr. Vertucci said there would be a total of 18 spaces by the pumps. He noted they also added an additional handicapped parking space as requested at the last meeting. Mrs. Ricci said she agrees with the Applicant’s parking space numbers.

Chairman Desai said if applications for driveway entrances have been approved in the past at grades steeper than what is allowed in the Regulations it creates problems for this Commission. He asked Staff to look into this issue to see if a change to the Regulations is necessary to comply with the Engineering Department instructions to developers.

Commissioner D’Agostino said if the areas between the gas pumps are considered “aisles” then according to the Regulation they cannot be used as parking spaces. Ms. Ricci said the Town has always considered the spots at the gas pumps to be parking spaces. Mr. Leidner said he doesn’t consider the area between the pumps an “aisle”.

Chairman Desai asked the Applicant if they would like to respond to the public’s questions and comments. Mr. Vertucci again pointed out that all their site lines meet DOT requirements. There were questions about the traffic volumes used from the Town Center West Study. Mr. Vertucci said they used the 2013 baseline background traffic volumes. These numbers were approved by the DOT Planning Department. These counts they used were then grown to their design year.

People were concerned about queues along France Street and that putting a “do not block” sign at the France Street entrance would not be effective. Mr. Vertucci said with their imposed improvements to the intersection the queues would be cut in half, which is a significant reduction and the level of service at the France Street and Cromwell Avenue intersection will improve from C to B. Even if the queue is blocking the entrance to their site, the traffic is always moving so the queues will clear. They have also agreed to paint the pavement at the entrance with markings to keep the area clear. As far as cars backing up from France Street into Route 3, Mr. Vertucci said this volume is projected to be very low, maybe 1 car turning in every 12 minutes. He pointed out that the DOT will also be reviewing this application if approved by the Planning and Zoning Commission.

There were concerns about cars trying to cross over three lanes to turn left onto West Street. Mr. Vertucci said this is already an issue even without their development and it was pointed out in the Route 3 Corridor Study that the road should be widened to create two left turn lanes. Mr. Vertucci said he feels the changes to the traffic light timing will also help reduce that queue after construction.

People expressed concerns about traffic coming to their site from I91 and he said this additional traffic was factored into their calculations. Mr. Vertucci again pointed out that the majority of

the traffic coming to this site is “pass by traffic”, which means this is traffic already on the roadways, not additional traffic.

Some people were concerned about the number of traffic accidents in the area and the possibility of those number increasing. Mr. Vertucci said their DOT accident data shows about 4 accidents per year, which is considered low for the volume of traffic in the area. The DOT will have the final say as far as the safety of this proposal related to Route 3. Mr. Vertucci agreed that there is a bus stop just south of their driveway.

Chairman Desai asked the Applicant to address concerns about gas vapors. Mr. Leidner said the fueling system meets very strict standards in terms of vapor release and leakage. Tanks are double-walled, fiberglass with a monitoring system for leaks. These systems have a stage 1 vapor recovery system, so as fuel goes into tanks, another hose removes all vapors and sends them back into the truck. As far as vapor coming from the pumps, modern cars now have on board recovery systems to capture the vapors as cars are being fueled.

Atty. Williams said he believes this application complies with all the Town’s applicable Regulations. They have tried to propose a sensitive design and responded to concerns brought up regarding outside music and seating. He pointed out that expert evidence shows that traffic in the area will improve with the addition of this development.

A MOTION was made by Vice Chairman Clements to close the public hearing, Special Permit/Site Plan Application/ Certificate of Approval of Location, Cumberland Farms, Inc., seeking a Certificate of Approval of Location for the sale of gasoline under Section 14-321 of the Connecticut General Statutes; and, proposing to construct a retail convenience store of approximately 4,500 square feet with a gasoline filling operation , outdoor seating area, and other associated site improvements, for property located at 741 Cromwell Avenue and 100 France (southwest corner), in a C-Commercial Zoning District. ID#, 12-130 and 12-132. Seconded by Commissioner Aglieco. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Commissioner Zarrilli for a 5-minute recess. Seconded by Commissioner D’Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Vice Chairman Clements to come out of recess. Seconded by Commissioner Zarrilli. All were in favor, MOTION CARRIED UNANIMOUSLY.

B. Special Permit/ Site Plan Application, re-subdivision for Rocky Hill Development Co., LLC, a 10 lot conservation design subdivision and related improvements with a 56 % open space offering for property locates at 395 France Street, in a R-40 Residential Zoning District, ID #15-183;

Commissioner Aglieco had recused himself for this application due to reasons stated at the last meeting. Commissioners Desai, Zarrilli, Clements and D’Agostino are seated for this application.

Attorney Elaine Stuhlman addressed the Commission representing the Applicant. After last month's public hearing they have incorporated the comments that were made by the Commission and they prepared a PowerPoint presentation to go over the changes.

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy 35 Cold Spring Road addressed the Commission to go over the changes that were made since the last meeting. He said the application is to develop the property into a 10-lot Design Conservation Subdivision and they will be giving the town more than 60% open space. The comments received from the Engineering Department have been addressed, many of which didn't require any physical changes to the plans. Originally they requested a waiver of the sidewalks for the entire subdivision. They are not proposing sidewalks on the northerly side of their proposed road all the way down and around the cul-de-sac. They are still requesting a waiver of the sidewalks on the southern side of the road and along the France Street frontage. Mr. Cassidy said there really isn't any room to put sidewalks in on France Street without having substantial impacts to the wetlands and watercourse. Mr. Cassidy then showed what the site would look like if it were developed as a conventional subdivision. If developed in this way the Developer would only be required to give the Town 10% open space but he believes, because of the environmentally sensitive nature of the property, this property is better served as a Design Conservation Subdivision.

Next, Mr. Cassidy showed a breakdown of the non-buildable areas on the site. The total non-buildable area is about 9.876 acres and the buildable area is about 12.516 acres. He said they are not just giving the Town the unbuildable areas, but a large percent of good uplands area. They have designed the subdivision to be similar to the surrounding neighborhood.

Public Comment

Mr. John Bedlack of 7 Murphy Drive asked how the public would access the open space areas. Mr. Cassidy said the first 400' of roadway on the south is frontage to the open space. He said it will be very easy to walk right in. Also on the northerly side of the street there is another 290' of frontage that access the open space.

Ms. Monica Giuliano of 12 Tedwin Farms Road said she is concerned about the construction traffic. She doesn't understand why they have to develop on every available open space in Rocky Hill. She is worried that if this development is built it will cause her back yard to flood. She is curious as to what types of homes will be built on this property. Mr. Cassidy said there will not be a lot of traffic generated from this subdivision with only 10 homes and he doesn't believe it will impact the levels of service in the area. The property owner has the right to develop the site and Mr. Cassidy said they have tried to be as environmentally sensitive as possible. As far as the homes being built, they want to build larger houses and keep the values up.

Commission Comments/Questions

Commissioner Zarrilli asked about the direction the construction traffic would be traveling. Mr. Cassidy said he believes it would make the most sense to go by way of France Street to Cromwell Avenue. He said this would be a Town owned road. Commissioner Zarrilli

Commissioner D'Agostino asked when they are proposing to put in the new bridge structure. Mr. Cassidy said that will be one of the first things to go in so they have access to the property.

Chairman Desai asked what kind of markings are planned for the conservation easement. Mr. Cassidy said all the corners of properties that abut against a conservation easement or open space will have an 18" stone wall. This will give property owners more of an idea where the conservation easement and open space is. Chairman Desai said when a developer is waiving sidewalks Regulations require them to make compensation to the Town for that. Mr. Cassidy said they are proposing sidewalks on one side of the street. Chairman Desai said he is concerned about the site distance as you leave the site, looking to the left. Mr. Cassidy said they will be doing some selective clearing in that area to create better site lines. Chairman Desai suggested making a notation in the plans that after they clear this area, it is the Town's responsibility to keep the site lines clear. Chairman Desai wanted to make sure the homeowners would be aware of the restrictions of the conservation easements. Mr. Cassidy said all homeowners would be given a Homeowner's Manual on Living Next to Wetlands. Atty. Stuhlman said the restrictive covenants as well and the conservation easements would be listed on the land records. Mr. Cassidy said they have worked very hard to improve the wetlands with this application and clean up the debris that is presently on the site.

Commissioner Zarrilli asked what sidewalk waivers are being requested. Mr. Cassidy said they are asking for a waiver of sidewalks on the south side of the street and along France Street.

Ms. Ricci noted that the Commission did receive correspondence from Mr. Solmi, the Official Wetlands Agent for the Town, stating that a class C permit has been issued. This permit includes 8 conditions. Staff also received correspondence from Hallisey, Pearson and Cassidy addressing some of the Staff comments.

A MOTION was made by Vice Chairman Clements to close the public hearing for Special Permit/ Site Plan Application, re-subdivision for Rocky Hill Development Co., LLC, a 10 lot conservation design subdivision and related improvements with a 56 % open space offering for property locates at 395 France Street, in a R-40 Residential Zoning District, ID #15-183. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY. (Commissioner Aglieco recused himself for this application, Commissioners Desai, Zarrilli, D'Agostino and Clements voted)

2. CALL TO ORDER

Chairman Desai called the regular meeting to order. Commissioner Aglieco resumed his seat.

3. PUBLIC

No public comment.

4. ADOPT THE AGENDA

A MOTION was made by Vice Chairman Clements to adopt the Agenda. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

5. CONSENT AGENDA

A. Approve of Minutes and Working Notes March 5, 2014

B. Approve of Minutes and Working Notes February 19, 2014 Regular Meeting;

C. Set a Public Hearing for Wednesday April 2, 2014 beginning at 6:15 p.m. in Activity Room 2, Rocky Hill Community Center, first floor of Town Hall, 761 Old Main Street, Rocky Hill, CT 06067 to consider the following:

- 1. Resubdivision Application, James and Jane Mitchell, proposing to divided an existing residential lot into two residential lots, one with existing house and relocated garage, and another lot fronting on Washington Street , for property located at 734-736 Old Main Street, corner of Old Main and Washington Streets in a R-20 Residential Zoning District, ID# 10-219;**
- 2. Subdivision Application, Valentine Builder, LLC, proposing to divide approximately 6.52 acres of land into 9 residential building lots and to extend Southbrook Road by approximately 370 lineal feet, for property located at 3149 Main Street in a R-20 Residential Zoning District, ID# 17-284;**

D. Bond Reduction/Release Request, Rocky Hill Properties, LLC, for the public improvements and erosion/sedimentation controls for Al Terra, formerly known as Brookside, Apartments/Medical Office Building located off of Brook Street in an OP-Office Park Zoning District, ID # 16-274

A MOTION was made by Commissioner Zarrilli to adopt the Consent Agenda. Seconded by Commissioner D'Agostino. Vice Chairman Clements noted that although he was not at the March 5th meeting, he did review the notes and video of that meeting. All were in favor, MOTION CARRIED UNANIMOUSLY. The following items were approved on the Consent Agenda:

A. Approve of Minutes and Working Notes March 5, 2014

B. Approve of Minutes and Working Notes February 19, 2014 Regular Meeting;

C. Set a Public Hearing for Wednesday April 2, 2014 beginning at 6:15 p.m. in Activity Room 2, Rocky Hill Community Center, first floor of Town Hall, 761 Old Main Street, Rocky Hill, CT 06067 to consider the following:

1. Resubdivision Application, James and Jane Mitchell, proposing to divided an existing residential lot into two residential lots, one with existing house and relocated garage, and another lot fronting on Washington Street , for property located at 734-736 Old Main Street, corner of Old Main and Washington Streets in a R-20 Residential Zoning District, ID# 10-219;

2. Subdivision Application, Valentine Builder, LLC, proposing to divide approximately 6.52 acres of land into 9 residential building lots and to extend Southbrook Road by approximately 370 lineal feet, for property located at 3149 Main Street in a R-20 Residential Zoning District, ID# 17-284;

D. Bond Reduction/Release Request, Rocky Hill Properties, LLC, for the public improvements and erosion/sedimentation controls for Al Terra, formerly known as Brookside, Apartments/Medical Office Building located off of Brook Street in a OP-Office Park Zoning District, ID # 16-274

6. AGENDA ITEMS

A. Special Permit/Site Plan Application/Certificate of Approval of Location, Cumberland Farms, Inc., seeking a Certificate of Approval of Location for the sale of gasoline under Section 14-321 of the Connecticut General Statutes; and, proposing to construct a retail convenience store of approximately 4,500 square feet with a gasoline filling operation , outdoor seating area, and other associated site improvements, for property located at 741 Cromwell Avenue and 100 France (southwest corner), in a C-Commercial Zoning District. ID#, 12-130 and 12-132;

A MOTION was made by Commissioner D'Agostino to deny the Special Permit/Site Plan Application/Certificate of Approval of Location, Cumberland Farms, Inc., seeking a Certificate of Approval of Location for the sale of gasoline under Section 14-321 of the Connecticut General Statutes; and, proposing to construct a retail convenience store of approximately 4,500 square feet with a gasoline filling operation , outdoor seating area, and other associated site improvements, for property located at 741 Cromwell Avenue and 100 France (southwest corner), in a C-Commercial Zoning District. ID#, 12-130 and 12-132. Seconded by Vice Chairman Clements.

Vice Chairman Clements said it is not the purview of the Planning and Zoning Commission to consider whether or not there are too many convenience stores or gas stations in the area. Although there have been traffic concerns brought up by the public, he said the heaviest traffic is only during peak hours and he traveled the area and did not think the traffic was "horribly bad". The improvements being made with this application will improve traffic conditions. He pointed

out that this is the first proposal they have received for this site in 8 years and the property is commercially zoned. If approved he is in favor of the original design of the driveway and it may be necessary for them to adjust their Regulations. He suggested requesting an independent traffic study be done before making their decision. If the application were to be denied he suggested they deny without prejudice.

Commissioner Zarrilli agreed that they should deny without prejudice if the application is denied. He doesn't think the fact that this is the first application they have seen for this site in 8 years should be a factor. He is mainly concerned about the addition of the two curb cuts on Cromwell Avenue. He feels a lot of the traffic problems in this area are law enforcement or zoning enforcement issues.

Chairman Desai said he mainly concerned with the applicant meeting all requirements in the Zoning Regulations. This is an allowed use by Special Permit. They have received a Traffic Study by a Licensed Professional Traffic Engineer and that is all that is required. As far as how many gas stations are in the area, he also doesn't think that is something for the Commission to consider. The DOT will be looking at the impact of two additional curb cuts on Route 3.

Commissioner D'Agostino said he is mainly concerned with the traffic and he feels this Commission has an obligation to the residents to promote public health and safety.

Chairman Desai pointed out that once the development is built the levels of service at these intersections will improve from what they are today.

Commissioner Aglieco said even if this is approved the DOT will have to approve it also.

Commissioner D'Agostino said he doesn't see how adding more traffic to an already congested area will improve the traffic conditions.

Commission Zarrilli said if approved he would also favor the original plan for the driveway and changing Regulations to agree with recommendations of the Engineering Department. He wondered they could make conditions to an approval that would make this application acceptable. For example, he would like to see a crosswalk put in from France Street, across Route 3. Mrs. Ricci said this Commission has no jurisdiction over Route 3, which is a state roadway. They can, however, suggest that the applicant investigate with the State the possibility of putting in a crosswalk. As far as requesting an independent traffic study, Mrs. Ricci said the Commission should have requested that at the beginning of the public hearing, not now after the public hearing has been closed. This would prevent the Applicant from rebutting the independent traffic study and she feels this would be grossly inappropriate.

Commissioner D'Agostino said he approves the denial without prejudice because he believes it is a public health, safety and welfare issue for the Town and the public. Vice Chairman Clements voted against the motion. He thinks this is a good plan and the traffic study was done by a professional and traffic will improve with the changes proposed. Commissioner Zarrilli voted in favor of the motion to deny. He cited Section 8.2.4 d.a, saying he believes the traffic

issues will get worse with the addition of 2 curb cuts on Route 3 and possible queuing of cars along France Street. He is afraid cars will try to take left turns out of the site onto Route 3 going north. He believes cars and trucks will park on Route 3 to use this establishment. Regulations 8.3.7 d. asked them to consider suitable transportation conditions and Commissioner Zarrilli doesn't think the queuing area on Route 3 to turn into the site or onto France Street will be suitable. Commissioner Aglieco said he is opposed to the motion. He feels the applicant met all the requirements of the Zoning Regulations and the traffic issues on Route 3 are DOT issues. Other than peak traffic times, the traffic in the area is not that bad. Chairman Desai voted against the motion to deny. He believes the Applicant has met the requirements of the Planning and Zoning Regulations. This is a commercially zoned property and a gas station/convenience store is allowed by special permit and he cited Section 8.3.7 regarding suitable location and transportation conditions. The Applicant is making improvements that were suggested in the CRCOG Report.

2 were in favor (D'Agostino, Zarrilli), 3 opposed (Desai, Clements, Aglieco), MOTION FAILED.

A FRIENDLY AMENDMENT was made by Commissioner Zarrilli to deny the application without prejudice. Friendly Amendment accepted by Commissioner D'Agostino.

A MOTION was made by Vice Chairman Clements to approve the Special Permit/Site Plan Application/Certificate of Approval of Location, Cumberland Farms, Inc., seeking a Certificate of Approval of Location for the sale of gasoline under Section 14-321 of the Connecticut General Statutes; and, proposing to construct a retail convenience store of approximately 4,500 square feet with a gasoline filling operation, outdoor seating area, and other associated site improvements, for property located at 741 Cromwell Avenue and 100 France (southwest corner), in a C-Commercial Zoning District. ID#, 12-130 and 12-132 with the following conditions:

- 1. That all fuel deliveries be made during off-peak hours, in the middle of the night if possible.**
- 2. That all outdoor music begins and ends at a certain time.**
- 3. That the public access area be locked at night and on weekends at a certain time.**
- 4. That a "Do Not Block Box" be put on France Street in front of the cut at the exit.**

Motion seconded by Commissioner Aglieco. Commissioner Aglieco said he is in favor of the motion, including all the conditions. Commissioner Zarrilli said he approves the application with the conditions. Vice Chairman Zarrilli said he believes the amendments will help and he voted in favor of the motion. Commissioner D'Agostino voted against the motion. He said he still believes the traffic generated will cause a public safety issue even with the conditions. Chairman Desai voted in favor of the motion. He believes the Applicant has met all requirements of the Regulations. **4 were in favor (Desai, Zarrilli, Clements, Aglieco) 1 opposed (D'Agostino), MOTION CARRIES.**

A FRIENDLY AMENDMENT was made by Commissioner Zarrilli that:

1. All deliveries coming from France Street are limited to non-peak hours as specified in the Traffic Report and signs be posted to that effect.
2. Signs are posted listing the limitations of the hours of outdoor patio use as decided on by the Commission by consensus.
3. The Commission recommends the Applicant investigates the possibility of putting in a crosswalk crossing Route 3. To better improve the pedestrian flow.
4. That the Applicant investigates the possibility of posting no parking signs along the Cromwell frontage for larger trucks.
5. No Left Turn” is painted on the site as you exit from the Route 3 drives.

FRIENDLY AMENDMENT ACCEPTED by Vice Chairman Clements.

A FRIENDLY AMENDMENT was made by Commissioner Desai that the Applicant investigate with the DOT designing the Route 2 exit in a manner that leads cars to turn right as they exit the site. **FRIENDLY AMENDMENT ACCEPTED by Vice Chairman Clements.**

B. Special Permit/ Site Plan Application, re-subdivision for Rocky Hill Development Co., LLC, a 10 lot conservation design subdivision and related improvements with a 56 % open space offering for property locates at 395 France Street, in a R-40 Residential Zoning District, ID # 15-183;

A MOTION was made by Commissioner Zarrilli to approve the Special Permit/ Site Plan Application, re-subdivision for Rocky Hill Development Co., LLC, a 10 lot conservation design subdivision and related improvements with a 56 % open space offering for property locates at 395 France Street, in a R-40 Residential Zoning District, ID # 15-183 including:

- The waiving of sidewalks along France Street
- Approval of the modified cul-de-sac as presented
- Approval of sidewalk within the development as presented

Motion seconded by Vice Chairman Clements. All were in favor, MOTION CARRIED UNANIMOUSLY. (Commissioner Aglieco recused himself for this application, Commissioners Desai, Zarrilli, D’Agostino and Clements voted)

A FRIENDLY AMENDMENT was made by Vice Chairman Clements to include all staff comments. **Friendly Amendment accepted by Commissioner Zarrilli.**

Mr. Frank Morris addressed the Commission and asked that items E. and F. be moved up on the agenda before items C. & D.

A MOTION was made by Commissioner Zarrilli to move items

E. Site Plan Application, Barbara Gilbert, Town of Rocky Hill, proposing a building addition of 3, 790 square feet portable classroom space containing 3 classrooms, attached to the northeast side

of West Hill Elementary School, for property located at 95 Cronin Drive in a R-20 Residential Zoning District; ID# 08-147;

and

F. Site Plan Application, Barbara Gilbert, Town of Rocky Hill, proposing a building addition of 1,035 square feet portable classroom space containing 1 classroom, attached to the southeast side of Stevens Elementary School for property located at 322 Orchard Street in a R-20 Residential Zoning District, ID# 09-380;

up on the agenda before items C & D. Seconded by Vice Chairman Aglieco. All were in favor, MOTION CARRIED UNANIMOUSLY.

E. Site Plan Application, Barbara Gilbert, Town of Rocky Hill, proposing a building addition of 3, 790 square feet portable classroom space containing 3 classrooms, attached to the northeast side of West Hill Elementary School, for property located at 95 Cronin Drive in a R-20 Residential Zoning District; ID# 08-147;

F. Site Plan Application, Barbara Gilbert, Town of Rocky Hill, proposing a building addition of 1,035 square feet portable classroom space containing 1 classroom, attached to the southeast side of Stevens Elementary School for property located at 322 Orchard Street in a R-20 Residential Zoning District, ID# 09-380;

Mr. Frank Morris, member of the Board of Education addressed the Commission. The Town is moving towards full day kindergarten for all children. Because of this they are requesting approval of temporary, portable classroom space at both elementary schools.

Mr. Mike Serrano of Friar Associates addressed the Commission to go over the proposals. He noted that the kindergarten children would not be placed in the portable classrooms. These would be for the older students. He showed the proposed configurations at both schools. These would be single-story and fully sprinklered structures. With the addition of these portables, they still meet all setback requirements. Mr. Serrano said they are hoping to have them constructed this summer.

Public

No comment.

Commissioner Comments/Questions

Commissioner Zarrilli said the portable at the West Hill Elementary School cuts off a portion of the walkway. Mr. Serrano said all classes have access to the walkway from the building. Because these are temporary, they did not propose adding any additional pavement as part of this plan. Commissioner Zarrilli asked how long the lease of the portables is for. Mr. Serrano said it has been extended out to 5 years. Commissioner Zarrilli asked if the portables would match the

façade of the buildings. Mr. Serrano said they could specify a paint to more closely match the masonry of the schools.

Commissioner Aglieco asked if the Stevens School portable would be elevated. Mr. Serrano said it would be elevated and also it would have a deck and stairs.

Commissioner Zarrilli asked if the Fire Department signed off on the Stevens School application. Mrs. Ricci said there were no concerns expressed by the Fire Department.

A MOTION was made by Vice Chairman Clement to approve the following applications:

E. Site Plan Application, Barbara Gilbert, Town of Rocky Hill, proposing a building addition of 3,790 square feet portable classroom space containing 3 classrooms, attached to the northeast side of West Hill Elementary School, for property located at 95 Cronin Drive in a R-20 Residential Zoning District; ID# 08-147;

F. Site Plan Application, Barbara Gilbert, Town of Rocky Hill, proposing a building addition of 1,035 square feet portable classroom space containing 1 classroom, attached to the southeast side of Stevens Elementary School for property located at 322 Orchard Street in a R-20 Residential Zoning District, ID# 09-380;

Seconded by Commissioner Zarrilli. All were in favor, MOTION CARRIED UNANIMOUSLY.

C. Site Plan Application, Connecticut Natural Gas Corp. c/o ULI Holdings Corp., proposing to expand the Operations Building by approximately 2,170 square feet and to relocate 17 parking spaces further west into the front yard setback for property located at 1376 Cromwell Avenue in a BP- Business Park Zoning District, ID# 20-019;

Mr. Jim Cassidy, Professional Engineer and Principal with Hallisey, Pearson and Cassidy, 35 Cold Spring Road addressed the Commission representing CNG, who are the owners of the facility at 1376 Cromwell Avenue. The site is a little over 25 acres of BP-Business Park zoned land located on the easterly side of Cromwell Avenue. The site is currently being used for the processing of natural gas. They are proposing to improve and add on to the existing administrative building to bring it into compliance with industry standards. They plan to put on a 2,170 sq. ft. addition on the front portion of the building, which means they will then have to relocate the driveway and move the 17 parking spaces 20' closer to the street, putting them over the building line. Parking Regulations prohibit parking over the front building line and they did receive approval from the Zoning Board of Appeals. There is no other place to relocate the parking spaces because Utility Regulations do not allow parking of vehicles within 50' of any structure that deals with the processing of natural gas. They will not be adding a lot of

impervious coverage other than the addition itself. Because of the hedges along Cromwell Avenue, you will not be able to see any changes from the roadway.

A MOTION was made by Vice Chairman Clements to approve the Site Plan Application, Connecticut Natural Gas Corp. c/o ULI Holdings Corp., proposing to expand the Operations Building by approximately 2,170 square feet and to relocate 17 parking spaces further west into the front yard setback for property located at 1376 Cromwell Avenue in a BP- Business Park Zoning District, ID# 20-019. Seconded by Commissioner Zarrilli. All were in favor, MOTION CARRIED UNANIMOUSLY.

D. Temporary Accessory Use Request, JLB Construction Company on behalf of Wal-Mart, proposing to locate six 8' by 40' storage containers, two construction dumpsters and a job trailer for the storewide remodel of Wal-Mart located at 80 Town Line Road in a RC- Regional Commercial Zoning District; ID# 04-556;

Mr. Jeff Betit with JLB Construction addressed the Commission. Mrs. Ricci noted that in the past Wal-Mart has requested trailers on a seasonal basis for excess storage but these storage containers are not for that purpose. These are being requested for a store remodel. Mr. Betit said they are hoping to start the project immediately and finish by April 18th. One dumpster is for trash and the other is for metal. The job trailer will be manned 24 hours a day.

Public

Ms. Krista Mariner of 58 Farms Village Road said it is her understanding that Wal-Mart is not planning a storewide remodel at this location and she wonders how that would affect the need for all these trailers on the site. Mr. Betit said what they are doing is a “refresh” of the store, which includes paint, laminate and racking. There may be some electrical work and sprinkler work also.

Commissioner Comments/Questions

Vice Chairman Clements asked if they still have any outstanding issues with seasonal storage trailers on this site. Ms. Ricci said she visited the site this weekend and she saw a large pile of compressed cardboard. There were also several pallets outside the pallet storage area and shopping carts behind the garden center. She feels these things need to be addressed by Wal-Mart.

Commissioner Zarrilli asked if the store would be open during the refresh. Mr. Betit said it would be open because the refresh is all done at night.

A MOTION was made by Commissioner Zarrilli to approve the Temporary Accessory Use Request, JLB Construction Company on behalf of Wal-Mart, proposing to locate six 8' by 40' storage containers, two construction dumpsters and a job trailer for the storewide remodel of Wal-Mart located at 80 Town Line Road in a RC- Regional Commercial Zoning District; ID# 04-556 with the condition that the 6 storage containers,

two construction dumpsters and job trailer all be removed from the property no later than April 30, 2014 and including all staff comments. Seconded by D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. ANY OTHER BUSINESS

The Connecticut Land Use Academy is holding classes for Commission members who are interested. Anyone who cannot attend a meeting should contact Mrs. Ricci. No Commission member should be talking to members of the public about items on or soon to be on the agenda.

8. COMMUNICATIONS

Mrs. Ricci said a new ordinance is taking effect April 6th declaring a 12-month moratorium on the establishment of marijuana production facilities and dispensaries. She will be sending out research on this topic to all Commissioners.

Commissioner Zarrilli asked for a copy of the ordinance that allows the Planning and Zoning Commission to request a third party review on applications.

9. APPROVE BILLS

None.

10. ADJOURN

A MOTION was made by Commissioner Zarrilli to adjourn the meeting. Seconded by Commissioner D'Agostino. All were in favor, MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 11:03 p.m.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary